Instt. II-27—45,000—15-11-35.

Development (1939) Department

MS. SERIES

G.O. No. 803

DATED 30-3-1939

[Despatch Abstract.]

Mines - Suits - Dra
of Stones - Bellary
Report of results
862 of 1935 on the D--
the High Court - Gov
pleader's letter - Rele

C.F. 30.

Judicial **DEPARTMENT.**

R 15321-F

Received 19 MAR 1939 19 Registered 20.3.39 19

ASSISTANT SECRETARY TO GOVERNMENT REVENUE DEPARTMENT

24 MAR 1939 Subject.

ASSISTANT SECRETARY TO GOVERNMENT DEVELOPMENT DEPARTMENT

Suits (Bellary) - Madras High Court - (S.A.No.862 of 1935 - Quarrying of stones - Result.

8684

Rev G.O. No 1532-F/35-1 20.3.39. 21.3.39. D 23/3

ENCLOSURES.
No.
pare copies

No. 382

Station Madras., *Dated the* 17th March '39 19

From (Name) Sri B. Sitarama Rao,
(Designation) Government Pleader,
Madras.

To The Secretary to the Government of Madras,
Revenue Department.

Sir,

(J)

With reference to G.O.No. 773 Home (Judicial) dated the 20th March 1920 and G.O.His.No.2255, Revenue, dated the 14th September 1920, I have the honour to report as follows:-

Last portion of P. 30 has been taken by Bd of Rev.)

One Hanuma Naik obtained permission from Government for blasting 200 cartloads of stones in S.No. 107 A of Dasapuram under license granted by the Tahsildar of Siruguppa. The licensee blasted 200 cart-loads of stones but removed only 100 cart-loads of stone within the time of one month allowed

in

the license. The balance of 100 cart-loads of
nes remained in the quarry itself for over 8
ths after the expiry of the license. In the
ntime the Reddi of Sirigeri, a neighbouring
lage, claimed these stones as his private property
sold them to the 2nd defendant while the original
ensee sold the same stones to the plaintiff.
er paying the amount to the licensee the plaintiff
empted to remove the stones when the 2nd defendant
tructed him alleging that he had purchased the
e from the village headman of Sirigeri. After
uiry the Tahsildar directed by way of arbitration
t the plaintiff and the 2nd defendant should take
m in the proportion of 2 to 1. As the plaintiff
used to abide by the decision of the Tahsildar,
the Tahsildar directed that the whole lot should be delivered to the 2nd defendant. Hence the plaintiff filed O.S.No. 199 of 1933 on the file of the District Munsif of Bellary to recover possession of the stones and for damages against Government and the 2nd defendant. The District Munsif dismissed the suit on the ground that the original licensee not having removed the stones within the period for which license was valid lost all right to them. Against this decision, the plaintiff preferred A.S. No.24 of 1934 to the District Court of Bellary and the District Judge confirmed the decision of the trial court. The plaintiff further preferred the above second appeal to this Hon'ble Court and it wa heard by His Lordship Wadsworth J. yesterday, when it was dismissed with costs (two sets).

A-1

I am of opinion that nothing further need be done in the matter.

I have the honour to be,
Sir,
Your most obedient servant,
B. Narasimha
Government Pleader.

3/

Dev. Dept.

Sub. Mines - Quarrying of Stones - Suit - (Bellary) - Madras High Court - Result.

C.F.

Ref: From Govt. Pleader, Madras, No. 302 d 14.3.39.

To Under Secy

Please see the letter in C.F. from the Govt. Pleader, Madras, reporting the result of the appeal preferred by one Hanuman Naik of Bellary, against the decision of the District Munsif, Bellary, on the question of the ownership of stones blasted, but not removed, during the currency of a licence granted by the Tahsildar of Siruguppa. The Govt. Pleader reports that the appeal has been dismissed with costs and that nothing further need be done in the matter. The papers may therefore be recorded. A draft order is submitted for approval.

A. at p 2 C.F.

Precedent at G.O. 272 Dev 1-3-33 (P) at

27-3-39. 28

28.3.39

4

40/307

Date.

DRAFT FOR APPROVAL.

C.F. 13.

Dev. Dept.

	Initials.
When received for fair copying ..	
When copied ..	30/3
When examined..	
When signed ..	
When despatched.	

SUBJECT:— Mines - Suits

Quarrying of stones - Bellary

Report of result of A. S. No 862 of 1935 on the file of the High Court - Govt. Pleader's Letter Recorded.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. 868, II/39 From the Govt. Pleader Madras, No. 302, dated 17-3- 1939. C

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ ~~Resolution~~ ~~Ms.~~ ~~Rout.~~ No. 803, dated 30-3- 1935.

To the Govt. Pleader, Madras.

To the Board of Revenue (with Govt Pleader's letter)

Recorded

IAS.
28.3.39.

801
28.3.39

qk

29/3/

Rev 4011 F/38

28.7.38

JUDICIAL **DEPARTMENT.**

Received 2 AUG 1939 19 *Registered* 19 21630

2.8.3

Subject. Suits (Bellary - Madras High Court - S.A.No.862 of 1935 - Quarrying of stones - Certified copy of judgment forwarded.

Dev U.O. in continuation of Rev U.O.No.1532 F/35-1 dt 23.3.39

Rev U.O.No.4011F/35-1 31.7.39.

29.7.39.

31.7.38

ENCLOSURES.
No.
Spare copies

No. 469.

Station Madras., *Dated the* 27th July '39. 19

From (Name) Sri B. Sitarama Rao,
(Designation) Government Pleader.

To The Secretary to the Government of Madras,
Revenue Department.

Sir,

D pp 1-2 of Rev. 803 Dev. 30.3.39 (R)

In continuation of my letter No.302 dated 17th March 1939, reporting result in S.A.No.862 of 1935 on the file of the High Court, I have the honour to forward herewith a certified copy of judgment therein. pp 2-3 infra

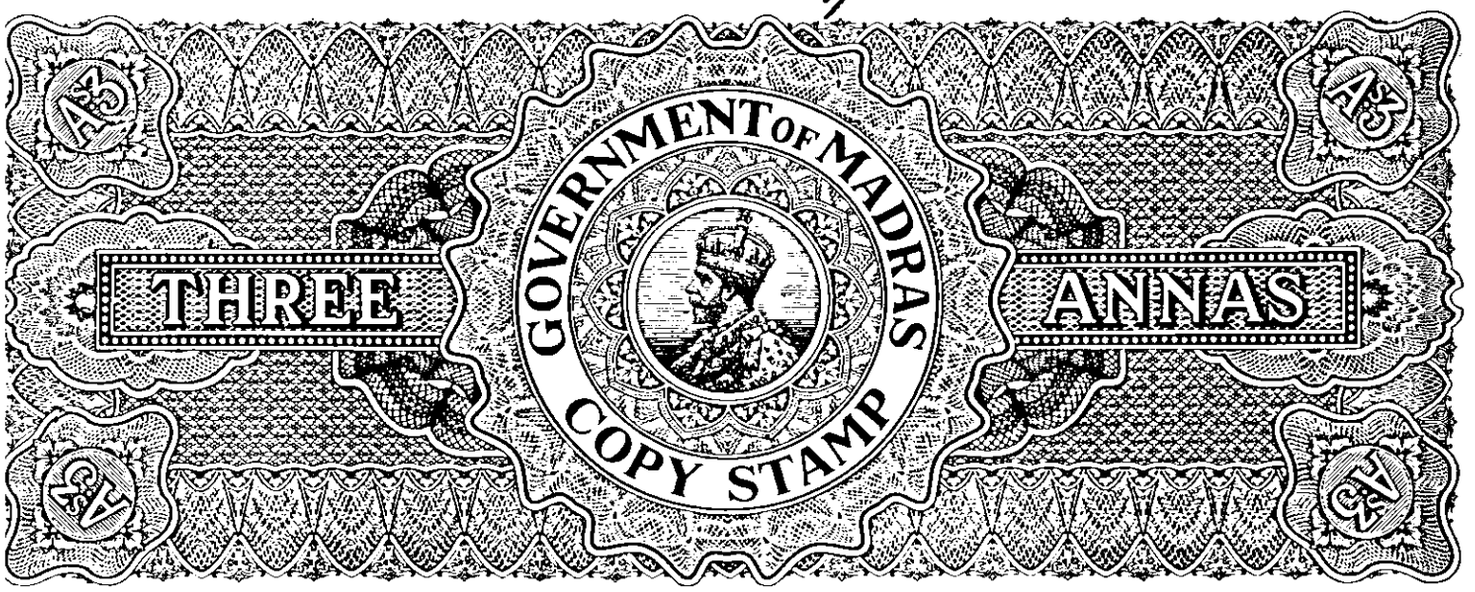
I have the honour to be,
Sir,
Your most obedient servant,
B Sitaramarao
Government Pleader.

Dev. Dept.

U.S.
Submitted for perusal. May be lodged and stitched with G.O. 803 Dev. (R)
d 30.3.39

Das 4.8.39.

RC 48 S. 1110 9/8/39



In the High Court of Judicature at Madras.

Thursday, the sixteenth day of March,

One thousand nine hundred and thirty nine.

Present:- The Honourable Mr. Justice Wadsworth.

- Second Appeal No. 862 of 1935.

Mulemani Siddana Gowd -- Appellant (Plaintiff)

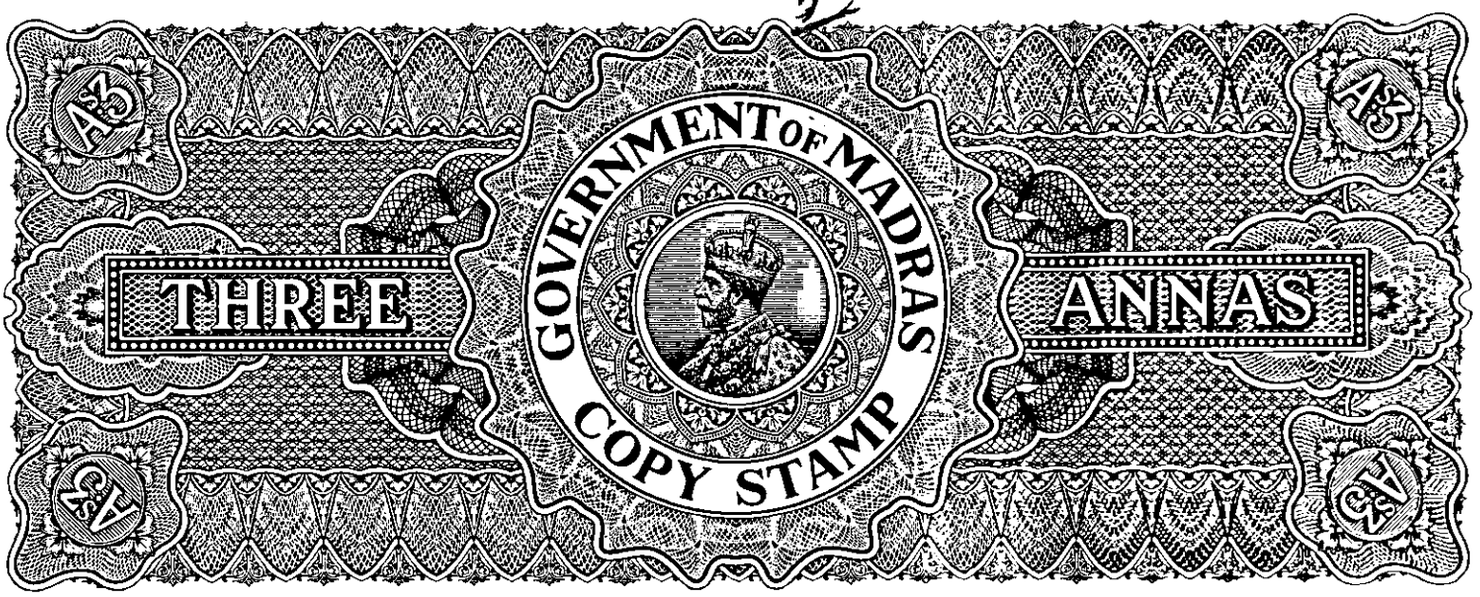
1. The Secretary of State for India in Council represented by the Collector of Bellary, 2. Karadechalli Linganna -- Respondents (Defendants 1 and 2)

Appeal against the decree of the District Court of Bellary in A.S.No. 24 of 1934 preferred against the decree of the Court of the District Munsif of Bellary in O.S.No. 199 of 1933.

This Second Appeal coming on for hearing the Court delivered the following Judgment:-

The license granted to the appellant's predecessor authorised him to quarry and remove stone for one month up to a particular limit in quantity and subject to conditions regarding check. It did not give him title to a particular quantity of stone without regard to its removal or to the conditions regarding check. Any stone not removed ----

1 SS



within the period of the license would not be the property of the licensee and could not pass to the appellant by sale from the licensee after the expiry of the license. The appeal is dismissed with costs (two sets).

(Sd) S. Srinivasa Ayyar,
13-7-1939.
Asst. Registrar, A.S.

25.7.39

(True copy)

Superintendent of copyists.

Sheet 2 & last
S.S.Sastri
Total words 231.

26.7.39

Judgment

S.A.No. 862 of 1935

HIGH COURT, APPELLATE SIDE.

C. A. No. 2156

Application made	16-3-	1
Do. recorded		1
Do. registered		1
Stamps called for	17-7-	1
Do. deposited	17-7-	39
Addl. Stamps called for		1
Do. deposited		1
Copy ready	26-7	9
Do. delivered		

Hon'ble